

Appl. No. 09/913,418
Amdt. Dated March 16, 2005
Reply to Office Action of December 16, 2004

Docket No. CM00565P
Customer No.. 22917

REMARKS/ARGUMENTS

The Examiner has objected to the Abstract stating that it is not in the proper format and that it has improper language. Applicant has amended the Abstract to overcome the Examiner's objections, and therefore requests that the Examiner remove the objections to the Abstract. Applicant has amended Claims 4 and 13 and has cancelled Claim 15 to overcome the Examiner's rejections thereto. No new matter was added by the above amendments. Claims 1-14 remain in the application, and Applicant respectfully requests reconsideration of this application in view of the above amendments and these remarks/arguments.

Allowable Claims

The Examiner has objected to Claims 7 and 8 as being dependent upon a rejected base claim. Applicant acknowledges that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicant submits, based upon arguments below, that Claims 7 and 8 are both currently in a condition for allowance because they depend from a base claim, Claim 1, which is allowable. Applicant further acknowledges that Claims 4-6, 9, 10, 13 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 USC 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Applicant has rewritten Claims 4 and 13 to overcome the Examiner's §112 rejections of Claims 4-6, 9, 10, 13 and 14 and, therefore, request that the Examiner remove the §112 rejections. However, Applicant submits, based upon arguments below, that Claims 4-6, 9 and 10 are currently in a condition for allowance because they depend from a base claim, Claim 1, which is allowable, and Claims 13 and 14 are both currently in a condition for allowance because they depend from a base claim, Claim 11, which is allowable.

Claim Rejections

The Examiner has rejected Claims 4-6, 9, 10, 13 and 14 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that the claims

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contain terms that render the claims indefinite. Applicant has amended Claims 4 and 13 to delete the terms that the Examiner stated were indefinite. Applicant, therefore, requests that the Examiner remove the 112 rejections. The Examiner has also rejected Claim 15 under 35 USC 112, second paragraph, as being indefinite in that it is an omnibus type claim. Applicant has cancelled Claim 15, thereby rendering moot the Examiner's rejection of this claim.

The Examiner has rejected Claims 1-3, 11 and 12 under 35 USC 103(a) as being unpatentable over USPN 6,324,228 (Millward) in view of USPN 5,894,592 (Brueske) and further in view of USPN 4,691,176 (Hsiung). Applicant traverse these rejections. Applicant submits that the combination of Millward, Brueske and Hsiung fails to render Claims 1-3, 11 and 12 obvious because the combined teachings do not teach every limitation recited in Claims 1 and 11 and included by dependency in Claims 2-3 and 12.

More specifically, Applicant submits that the combined teachings of Millward, Brueske and Hsiung do not teach the limitations of "wherein said frequency tracking loop is adapted to change a bandwidth of said variable bandwidth filter in dependence on at least one characteristic of *the currently received burst of known data* (emphasis added)" recited in Claim 1 and include by dependency in Claims 2-3 and the limitations of "wherein said variable filtering bandwidth depends on at least one characteristic of *a currently received burst of known data* (emphasis added)" recited in Claim 11 and include by dependency in Claim 12. The Examiner argues that Hsiung teaches these limitations. Particularly, the Examiner argues that col. 7, lines 56-60 and col. 16, lines 7-11 teach that a frequency tracking loop is adapted to change the bandwidth of the variable bandwidth filter in dependence on at least one characteristic of the currently received data. Applicant disagrees.

The language cited by the Examiner teaches measuring the rate and magnitude of frequency fluctuations of the input signal, which basically determines the *channel characteristics* based upon the stability of the overall signal. Indeed, the element used to perform this functionality is explicitly called a "*channel characteristic estimator*" in Hsiung. (See figures 1-6). Applicant submits that the channel characteristics taught in Hsiung are not the same as the at least one characteristic of the "known data" that comprises the signal, which is recited in Claims 1 and 11 and included by dependency in Claims 2-3 and 12. More particularly, the known data that is sent from a transmitter to a receiver via the signal stays the same regardless of the rate and magnitude of frequency fluctuations of the signal as the signal is being transmitted.

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For all of these reasons, Applicant submits that Claims 1-14 are in a condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicant believes that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicant.


In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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